

REMARKS / ARGUMENTS

In response to the Office Action mailed March 7, 2007, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 103(a) – Claims 1, 3, 9-11, 13, 17, 18, 20, 29, 30, 33, 39-41, 45, and 46

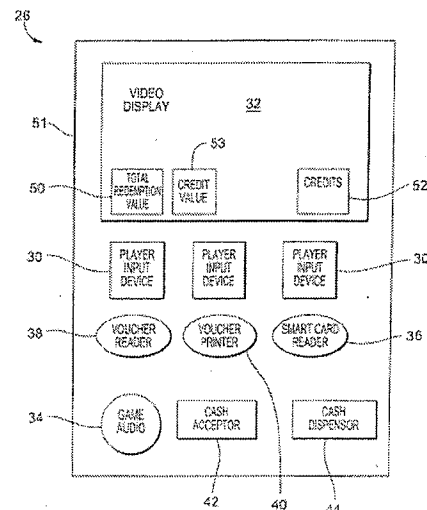
The Examiner rejected claims 1, 3, 9-11, 13, 17, 18, 20, 29, 30, 33, 39-41, 45, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Wilms, in view of Congello, in view of Rowe, and further in view of Walker. The rejection is respectfully traversed.

As amended, independent claim 1 includes the feature, “allowing the player to input a denomination for wagering, wherein the denomination is not a predetermined standard denomination.” (Emphasis added). This feature is described and enabled at least as follows:

Variable denomination gaming machines generally provide game play according to a predetermined fixed set of denominations, for example, \$0.05, \$0.10, \$0.25.

The user is queried for a credit value of a base wagering denomination.

A player or user inserts a voucher (not shown) having a predetermined value into voucher reader 38 ... The database server verifies that the voucher is valid and determines its monetary value ... The user may input the credit value using one of the player input devices 30. Credit value 53 can be specified as any monetary value. For example, the credit value may be \$0.0007 or \$2.74 ... From the total redemption value and the credit value, CPU 48 calculates the number of credits available for the player to play the game. Video display 32 may display total redemption value, credit value, and number of credits available ... The game is now available for the player to play ... It is noted that the game player has available both full credits and partial credits for game play at any time.



(Specification, p. 4, ll. 14-15, Abstract, p. 9, l. 18 – p. 10, l. 16, and FIG. 3, emphasis added).

Wilms's disclosure is directed to a video poker game, wherein the game is fixed by a credit value having a predetermined standard denomination. First, a player inserts currency or chips into slot 22 of the gaming device 2. The gaming device "has the ability to identify and differentiate each of the possible coins, bills or credit indicators which the player may insert." (Wilms, col. 4, ll. 64-66). Credit indicators may be colored tokens or markers having denominations written on them (Wilms, col. 5, ll. 4-11). Potential wager denominations are shown in areas 10 of the display screen 6 (Wilms, col. 4, ll. 22-25). To initiate a game, the player "pushes one of the buttons 24, each of which is uniquely associated with one of the denomination indicators on the screen as by arrows 26, to indicate which denomination of money the player wishes to use." (Wilms, col. 5, ll. 28-34, emphasis added).

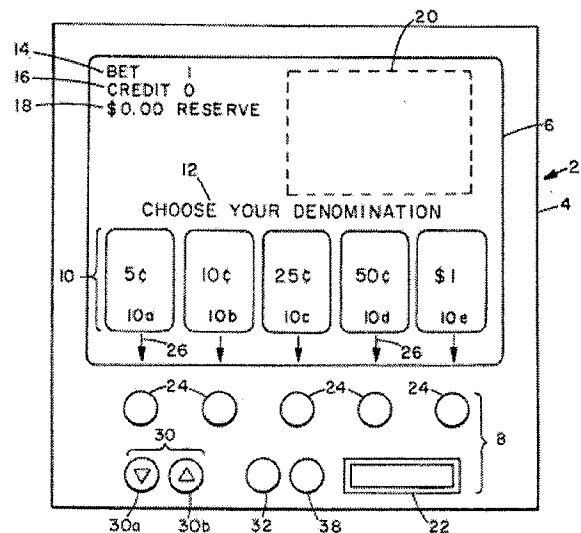


FIG. 1

The Examiner further asserted that “Congello teaches the ability to allow a user to place any denomination bets, which will result in a fractional payoff in comparison of a typical full credit bet system.” (Office Action, p. 3, ll. 15-17). Akin to Wilms, Congello’s wager value,

recorded on a lottery ticket, is based on predetermined standard denominations—loose change.

In Congello's game,

players purchase fractional denomination shares of full unit game tickets in an amount equal to the change the customer would have received back from the purchase of goods or services from a retailer authorized to offer the game. The gaming system can accept a player's change from any retail purchase in exchange for a fractional denomination game ticket in any amount up to \$0.99, for a chance at winning a prize on a pro-rata basis.

(Congello, col. 3, ll. 25-33, emphasis added).

Congello's denomination is predetermined because it is "equal to the change" due a customer of a retail purchase transaction. In fact, any player input is exclusive of denomination as Congello's player can only (a) take the change, or (b) wager the change—in entirety. Besides, loose change—any combination of cents, nickels, dimes, quarters, half dollars, and dollars—spares only standard denominations for wagering. Hence, Congello does not teach, suggest, or disclose, either expressly or inherently, the claimed feature, "allowing the player to input a denomination for wagering, wherein the denomination is not a predetermined standard denomination." (Emphasis added).

Nothing in Rowe or Walker teach, suggest, or disclose the claimed feature, "allowing a player to select a credit value for a wager, wherein the credit value is not a predetermined standard denomination."

In sum, claim 1 is patentable over Wilms in view of Congello, in view of Rowe, and further in view of Walker because none of Wilms, Congello, Rowe, and Walker individually or in combination disclose, teach, or suggest each and every limitation of claim 1.

Claims 3, 9-11, 13, 17, and 18 are patentable over Wilms in view of Congello, in view of Rowe, and further in view of Walker at least by virtue of their dependence from claim 1. Furthermore, claims 3, 9-11, 13, 17, and 18 include additional features, that, in combination with independent claim 1, provide further, separate, and independent bases for patentability.

Independent claims 20, 33, and 41 are patentable over Wilms in view of Congello, in view of Rowe, and further in view of Walker for similar reasons as set forth with regard to claim 1.

Claims 29 and 30 are patentable over Wilms in view of Congello, in view of Rowe, and further in view of Walker at least by virtue of their dependence from claim 20. Furthermore, claims 29 and 30 include additional features, that, in combination with independent claim 20, provide further, separate, and independent bases for patentability.

Claims 39-40 are patentable over Wilms in view of Congello, in view of Rowe, and further in view of Walker at least by virtue of their dependence from claim 33. Furthermore, claims 39-40 include additional features, that, in combination with independent claim 33, provide further, separate, and independent bases for patentability.

Claims 45 and 46 are patentable over Wilms in view of Congello, in view of Rowe, and further in view of Walker at least by virtue of their dependence from claim 41. Furthermore, claims 45 and 46 include additional features, that, in combination with independent claim 41, provide further, separate, and independent bases for patentability.

Accordingly, it is respectfully requested that the 35 U.S.C. § 103(a) rejection of claims 1, 3, 9-11, 13, 17, 18, 20, 29, 30, 33, 39-41, 45, and 46 as unpatentable over Wilms in view of Congello, in view of Rowe, and further in view of Walker be withdrawn.

2. Claim Rejections – 35 U.S.C. § 103(a) – Claims 15-16, 23-24, 36, and 43

The Examiner rejected claims 15-16, 23-24, 36, and 43 under 35 U.S.C. § 103(a) as being unpatentable over Wilms, in view of Congello, in view of Rowe, in view of Walker, and further in view of Skratulia. Claims 15-16, 23-24, 26, and 43 are patentable for the reasons stated above in Section 1 with respect to independent claims 1, 20, and 33. As explained above, the Wilms, Congello, Rowe, and Walker references do not teach, suggest, or disclose each and every limitation of independent claims 1, 20, and 33. The Skratulia reference does nothing to supply the missing elements of the Wilms, Congello, Rowe, and Walker references.

Therefore, claims 15-16, 23-24, 36, and 43 are patentable over Wilms in view of Congello, in view of Rowe, in view of Walker, and further in view of Skratulia. Furthermore, dependent claims 15-16, 23-24, 36, and 43 include additional features, that, in combination with respective independent claims 1, 20 and 33, provide further, separate, and independent bases for patentability. Accordingly, it is respectfully requested that the 35 U.S.C. § 103(a) rejection of claims 15-16, 23-24, 36, and 43 as unpatentable over Wilms in view of Congello, in view of Rowe, in view of Walker, and further in view of Skratulia be withdrawn.

CONCLUSION

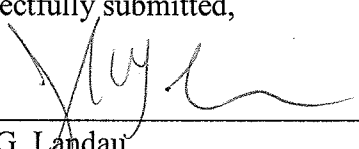
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1, 3, 9-11, 13, 15-18, 20, 23, 24, 29, 30, 33, 36, 39-41, 43, 45, and 46 are believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3248. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: June 7, 2007



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